

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, §
§
§
v. § No. 1:13-CR-00287-LY;
§ No. 1:21-CR-5-LY
(1) ANDRES LEVRIER JR., §

ORDER

Before the Court is Defendant Andres Levrier, Jr.'s Motion to Amend Detention Order, Dkt. 32.¹ The district court referred Levrier's motion to the undersigned magistrate judge. Dkt. 33. The Court set the motion for hearing, Dkt. 34, and heard the motion on March 29, 2022. Levrier was present at the hearing with his attorney, Assistant Federal Public Defender Horatio Aldredge; Assistant U.S. Attorney Mark Marshall appeared for the United States opposing the motion (*see* Dkt. 35). For the reasons stated on the record in that hearing, and the reasons set forth in this order, the Court denies Levrier's motion.

Levrier seeks leave to attend funeral services being held for his sister on March 30, 2022. Levrier is currently in custody pursuant to an indictment charging him with possession with intent to distribute more than 500 grams of methamphetamine, a charge that carries a minimum term of imprisonment of ten years, not accounting for the sentencing guidelines applicable in his case, which will likely exceed that amount.

¹ Unless otherwise stated, citations to docket entries in this order will be to the 1:21-CR-5 docket.

Dkt. 4. At the time of his arrest, Levrier was serving a term of supervised release pursuant to a previous conviction for methamphetamine distribution. Dkt. 24, Case No. 1:13-CR-287. Levrier has pleaded guilty to that charge and now faces sentencing before the district court on May 13, 2022. Dkts. 27, 31.

The Court is certainly sympathetic to Levrier's and his family's loss. However, in light of the circumstances surrounding his most recent arrest, his lengthy criminal history, his history of failing to comply with the terms of his release, and a looming sentencing hearing at which he will face a substantial term of imprisonment, the Court will not authorize Levrier's requested release. Short of a two-deputy team of Deputy United States Marshals to guard the Levrier over the requested period of transport and release, a solution that is impracticable here, there are no conditions that can be set that provide for the safety of the community and the Levrier's future appearance in Court.

For all of these reasons, the Court hereby **DENIES** Defendant Andres Levrier, Jr.'s Motion to Amend Detention Order, Dkt. 32.

SIGNED March 30, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE